

### **REMARKS**

In the April 15, 2009 Office Action, claims 1-27 and 35-37 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

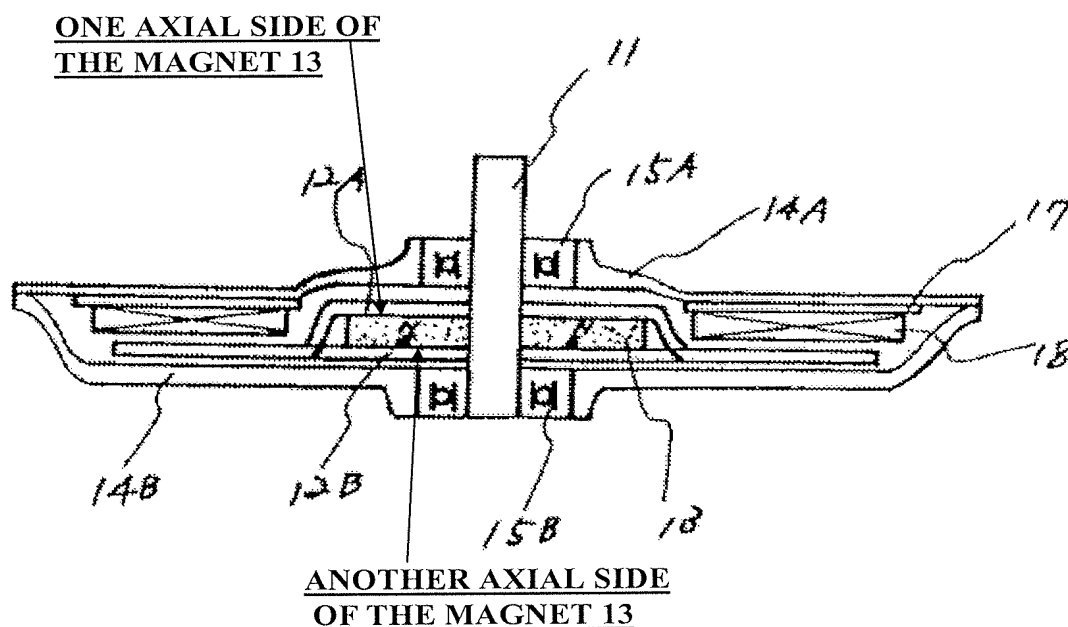
#### ***Status of Claims and Amendments***

In response to the April 15, 2009 Office Action, Applicant has amended claim 1 as indicated above. Thus, claims 1-37 are pending, with claims 1 and 28 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

#### ***Rejections - 35 U.S.C. § 102***

In paragraph 3 of the Office Action, claims 1, 2, 4-8, 15 and 35-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 59-216459 (Kakizawa). In response, Applicant has amended independent claim 1 to clearly distinguish the prior art of record.

In particular, independent claim 1 recites that the north pole and the south pole of the magnet are *alternately disposed adjacent each other around said rotation axis on a common axial side* of the magnet. Clearly, this structure is *not* disclosed or suggested by Kakizawa or any other prior art of record. As shown in the reproduced figures below, the north and south poles of Kakizawa do not meet the limitations of independent claim 1. Due to the magnet 13's northern polarities being adjacent one another on one axial side of the magnet 13 (and the southern polarities adjacent on another axial side), the magnet 13 therefore does not have alternating north and south poles which are adjacent on a common axial side of the magnet 13. In other words, the north pole of the magnet 13 is on one axial side, while the south pole on another axial side. Therefore, Kakizawa fails to anticipate amended claim 1's subject matter. Withdrawal of the rejection is respectfully requested.



Furthermore, if the tooth 12A is being interpreted as a first yoke plate that produces a U-shaped path, the path cannot *open* to the tooth 12A as the first yoke plate *itself*. In addition, if only the teeth 12B were interpreted as first yoke plates and the teeth 12A were interpreted as the magnetic path, then the adjacent teeth 12B do not have different polarities, as required to the first yoke plate by independent claim 1. Applicant is uncertain as to how the teeth 12A and 12B are being interpreted with regard to the recitations of independent claim 1. The arrangement of the teeth 12A and 12B with the magnet 13 does not appear to satisfy the structural requirements of independent claim 1.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each* and *every* element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent claims 2, 4-8, 15 and 35-37 are also allowable over the prior art of record in that they depend from independent claim 1, and

therefore are allowable for the reasons stated above. Also, these dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claim 1, neither does the prior art anticipate the dependent claims. Applicant respectfully requests withdrawal of the rejection.

***Rejections - 35 U.S.C. § 103***

In paragraphs 5-14 of the Office Action, claims 3, 9-14 and 16-27 stand rejected under 35 U.S.C. §103(a). In particular, claims 3, 12, 13 and 22 are rejected as being unpatentable over Kakizawa. Claims 10 and 11 are rejected as being unpatentable over Kakizawa in view of U.S. Patent No. 5,581,422 (Umehara). Claim 9 is rejected as being unpatentable over Kakizawa in view of U.S. Patent No. 4,605,874 (Whiteley). Claim 14 is rejected as being unpatentable over Kakizawa in view of U.S. Patent No. 6,208,055 (Takahashi). Claims 16, 17, 19 and 20 are rejected as being unpatentable over Kakizawa in view of U.S. Patent Application Publication No. 2003/0052553 (Isozaki et al.). Claim 18 is rejected as being unpatentable over Kakizawa in view of U.S. Patent No. 6,005,324 (Kim). Claim 21 is rejected as being unpatentable over Kakizawa in view of Isozaki et al. and Japanese Patent Publication No. 06-022526 (Hashimoto). Claims 23 and 24 are rejected as being unpatentable over Kakizawa in view of U.S. Patent No. 5,679,990 (Ushiro). Claim 25 is rejected as being unpatentable over Kakizawa in view of Ushiro and U.S. Patent No. 5,729,102 (Gotou et al.). Finally, claims 26 and 27 are rejected as being unpatentable over Kakizawa in view of in view of U.S. Patent Application Publication No. 2003/0107348 (Inagawa et al.).

In response, Applicant has amended independent claim 1 as explained above. Applicant believes the aforementioned amendments to independent claim 1 support a finding that independent claim 1 is allowable over Kakizawa alone. Due to the dependence of claims

3, 9-14 and 16-27 from claim 1, Applicant believes these claims are also allowable over the prior art. Withdrawal of the rejections is respectfully requested.

In addition, the prior art listed above and used in the §103 rejections does not appear to cure the deficiencies of Kakizawa. For example, although Whiteley discloses a rotor 20 with the magnet segments 36 provided adjacent one another, it would be *impossible* (without entirely reconstructing the patented products) to combine the axially facing magnet-stator coil structure of Whiteley with the structure of Kakizawa in which the stator coils are radially spaced from the magnets. Moreover, nothing in Whiteley would suggest the need for a first yoke plate or its equivalent. Indeed, such a structural addition would be at the very least superfluous.

Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicants' unique arrangement of a motor.

Therefore, Applicant respectfully requests that these rejections be withdrawn in view of the above comments and amendments.

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Appl. No. 10/594,543  
Amendment dated July 6, 2009  
Reply to Office Action of April 15, 2009

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-27 and 35-37 are now in condition for allowance. Reexamination and reconsideration of the pending claims (including the withdrawn claims) are respectfully requested.

Respectfully submitted,

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